

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

Claims 1-10 are allowed, based on the reasons of record in application 08/878,249.

Claims 11-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,778,064 (Kori et al.). The Kori reference is directed to a different method and system. Kori is directed to a digital video tape recorder that reproduces from a recorded medium, a digital high definition video signal that has copy protection therein and extracts the copy prevention data from the reproduced signal and generates from the extracted digital copy prevention data an analog copy inhibit signal which is then superimposed on a standard definition video signal and converts the reproduced digital high definition video signal to an analog signal and superimposes the analog copy inhibit signal onto the analog signal for output (e.g., see Abstract).

In another mode, the digital video tape recorder records a high definition video signal by receiving an analog high definition video signal that has a copy inhibit signal superimposed thereon as a copy inhibit signal superimposed on a standard definition video signal. The digital video tape recorder extracts the copy inhibit signal from the received analog high definition video signal supplies the analog high definition video signal when that signal is not copy protected, (see Abstract) converts the supplied video signal to a digital signal and generates digital copy prevention data from the extracted copy inhibit signal. The digital video tape recorder in the record mode adds the digital copy prevention data to the digital signal and records on a recording medium the digital signal with a digital copy prevention data added thereto.

The Kori system is not a computing system and does not employ a central processing unit and, among other things, does not digitize, independent of a data access parameter, at least one of

audio and video data to produce digital vide wherein when the at least one audio and video data is digitized, the data access parameter is lost. The office action on page 3 does not appear to identify where the Kori reference allegedly teaches this subject matter. Also, Applicants respectfully submit that the cited operation of the digitizing operation performed by analog to digital converter 54 is different from that claimed. In describing the operation in column 8 for example, there is no digitizing by this analog to digital converter (54) that removes a data access parameter in response to a digitizing operation. In fact, the patent describes that when CGMS information indicates that the high definition signal is fully copy protected, the analog to digital converter 54 is in fact not even used. (See column 8, lines 25-34). The analog to digital converter 54 is used instead when the extracted CGMS information indicates that the high definition signal is partially copy protected or not copy protected. “In other words, the analog HD signal (video and audio) is recordable on a magnetic tape when the VBI signal inserted therein indicates that the HD signal is not fully copy protected.” There is no data access parameter lost in response to the digitizing by the analog to digital converter 54. Since the reference does not teach what is alleged, Applicants respectfully submit that the claims are in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter. For example, claim 12 requires that the method includes storing digital video in memory wherein the stored digital video in memory does not include the embedded data access parameter. The office action cites for claims 12-14, Fig. 2b stating “valid for one copy generation” allegedly shows that the digital memory does not include the embedded data access parameter because it is changed to a “no copy”. However, Fig. 2b actually refers not to the digital video in memory but instead to the “data structure of a VBI signal” (see column 3, lines 15-16). Also, the VBI is present but

changed. As such, the reference does not teach what is alleged and as such, these claims are also in condition for allowance. These claims also add additional novel and non-obvious subject matter.

Claims 15-21 are also allowable at least for the above reasons. Other reasons will be recognized by those of ordinary skill in the art.

In addition, if the claims are not allowed, Applicants respectfully challenge the Examiner's official notice that what has been done in hardware is obvious to be implemented in a computer system with the CPU and software to perform what is claimed by Applicants in view of Kori. Kori does not teach in hardware that which is claimed to be done by a CPU in Applicants' claims. If the claims are not allowed, Applicants respectfully request factual support for the official notice taken.

New claim 22 has been added. Support for claim 22 appears at least in column 3, lines 15-29, among other places. No new matter is believed to have been added. This claim is also allowable since the references do not appear to teach or suggest imposing on a processing system, for example, a requirement for received data to be subject to a second level of content protection when the received data includes content protection coding signifying a first level of content protection.

Applicants respectfully submit that the claims are now in condition for allowance and that a timely Notice of Allowance be issued in this case. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (312) 609-7599.

Respectfully submitted,

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